

REFERENCE TITLE: dental assistants; community oral health

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1400

Introduced by
Senator Verschoor: Representatives Bradley, Goodale, Tobin

AN ACT

AMENDING SECTION 32-1289, ARIZONA REVISED STATUTES; RELATING TO THE BOARD OF
DENTAL EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1289, Arizona Revised Statutes, is amended to
3 read:

4 32-1289. Employment of dental hygienist by public agency,
5 institution or school; definitions

6 A. A public health agency or institution or a public or private school
7 authority may employ dental hygienists to perform necessary dental hygiene
8 procedures under either direct or general supervision pursuant to section
9 32-1281.

10 B. A dental hygienist employed by or working under contract or as a
11 volunteer for a public health agency or institution or a public or private
12 school authority ~~may~~ before an examination by a dentist MAY screen patients
13 and apply topical fluoride without entering into an affiliated practice
14 relationship pursuant to this section.

15 C. A public health agency or institution, a public or private school
16 authority or government sponsored program that provides dental services may
17 enter into a contract for dental hygiene services with licensees who have
18 entered into an affiliated practice relationship pursuant to this section.

19 D. The dental hygienist and the affiliated dentist must notify the
20 board of the beginning of the affiliated practice relationship and provide
21 the board with a copy of the agreement and any amendments to the agreement
22 within thirty days after the effective date of the agreement or amendment.
23 The dental hygienist and the affiliated dentist must also notify the board
24 within thirty days after the termination date of the affiliated practice
25 relationship if this date is different than the contract termination date.

26 E. A dental hygienist must satisfy all of the following to be eligible
27 to enter into an affiliated practice relationship with a dentist to perform
28 dental hygiene procedures in affiliated practice settings:

29 1. Hold an active license pursuant to this article.

30 2. Enter into an affiliated practice relationship with a specific
31 dentist who is licensed pursuant to this chapter.

32 3. Have held a license as a dental hygienist for at least five years
33 and actively engaged in dental hygiene practice for at least two thousand
34 hours in the five years immediately preceding the affiliated practice
35 relationship.

36 F. An affiliated practice relationship between a dental hygienist and
37 a dentist must be in writing and must include at least the following:

38 1. An identification of the affiliated practice settings in which the
39 dental hygienist may engage in dental hygiene practice pursuant to an
40 affiliated practice relationship.

41 2. An identification of the procedures and standing orders the dental
42 hygienist must follow. The standing orders must include the circumstances in
43 which a patient may be seen by a dental hygienist.

44 3. A requirement that the dental hygienist refer patients who have
45 been assessed by the dental hygienist to the affiliated dentist for treatment

1 or planning that is outside of the dental hygienist's scope of practice and
2 that the affiliated dentist make any necessary referrals to other dentists.
3 If the patient has not received the treatment or planning for which the
4 referral was made, the dental hygienist shall not provide further treatment.

5 4. A requirement that the patient be informed that the dental
6 hygienist providing the care is a licensed dental hygienist and that the care
7 does not take the place of a dental examination.

8 G. The board shall adopt rules regarding participation in affiliated
9 practice relationships by dentists and dental hygienists that specify the
10 following:

11 1. Additional continuing education requirements that must be satisfied
12 by a dental hygienist.

13 2. Additional standards and conditions that may apply to affiliated
14 practice relationships.

15 3. Compliance with the dental practice act and rules adopted by the
16 board.

17 H. Each dentist in an affiliated practice relationship must:

18 1. Be available to provide an appropriate level of contact,
19 communication and consultation with the affiliated dental hygienist.

20 2. Adopt standing orders applicable to dental hygiene procedures that
21 may be performed by the dental hygienist under the terms of the applicable
22 affiliated practice agreement and to be followed by the dental hygienist in
23 each affiliated practice setting in which the dental hygienist performs
24 dental hygiene services under the affiliated practice relationship.

25 I. Each affiliated dental hygienist when practicing under an
26 affiliated practice relationship:

27 1. May perform only those duties within the terms of the affiliated
28 practice relationship.

29 2. Must maintain an appropriate level of contact, communication and
30 consultation with the affiliated dentist.

31 3. Is responsible and liable for all services rendered by the dental
32 hygienist under the affiliated practice relationship.

33 J. Subject to the terms of the written affiliated practice agreement
34 entered into between a dentist and a dental hygienist, a dental hygienist may
35 perform all dental hygiene procedures authorized by this chapter except for
36 the procedures identified in section 32-1281, subsection B, paragraphs 4, 5
37 and 6.

38 K. Subject to the terms of the written affiliated practice agreement
39 entered into between a dentist and a dental hygienist, a dental hygienist may
40 perform dental hygiene procedures in affiliated practice settings only on a
41 person ~~who is eighteen years of age or younger and~~ who is ANY OF THE
42 FOLLOWING:

43 1. Enrolled in a federal, state, county or local health care program.

44 2. Participating in the national school meal program.

- 1 3. From a family with a household income that is less than two hundred
2 per cent of the federal poverty guidelines.
- 3 4. RESIDING IN A FEDERALLY DESIGNATED HEALTH PROFESSIONAL SHORTAGE
4 AREA.
- 5 L. This section does not require any dentist or dental hygienist to
6 enter into an affiliated practice relationship.
- 7 M. For the purposes of this section:
- 8 1. "Affiliated practice setting" means the delivery of dental hygiene
9 services by a dental hygienist under an affiliated practice relationship
10 ~~through a public health agency or institution, a public or private school~~
11 ~~authority or a government sponsored program that provides dental services.~~
- 12 2. "Screen" means visually examining the teeth and hard or soft tissue
13 of the mouth for obvious oral health problems for the purpose of advising the
14 patient of the need for dental care, and shall not include diagnosis or
15 treatment planning.